

REMARKS

In the July 21, 2006 Office Action, the Examiner noted that claims 1-29 were pending in the application, but claims 10-27 had been withdrawn from consideration; rejected claims 1-9 under the second paragraph of 35 U.S.C. § 112; rejected claims 1-3, 6-9, 28 and 29 under 35 U.S.C. § 102(e); and rejected claims 4 and 5 under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patent Application Publication No. 2002/0010928 to Sahota (Reference A in the July 21, 2006 Office Action) and U.S. Patent 5,774,534 to Mayer (Reference A in the October 4, 2004 Office Action) were cited. Claims 1-29 remain in the case. The rejections are traversed below.

Rejections under 35 U.S.C. § 102, Second Paragraph

On page 3 of the July 21, 2006 Office Action, claims 1-9 were rejected under the second paragraph of 35 U.S.C. § 112 due to an alleged "insufficient antecedent basis" for "the commerce information" on line 8 of claim 1. It was believed that "commerce information" which appears on line 2 of claim 1 provided sufficient antecedent basis for "the commerce information" on line 8 of claim 1. However, as the Examiner apparently does not agree, the word "the" on line 8 of claim 1 has been deleted (in addition, a word processing error in claim 28 has been corrected). Therefore, withdrawal of the rejections under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Rejections under 35 U.S.C. § 102(e)

On pages 4-7 of the July 21, 2006 Office Action, claims 1-3, 6-9, 28 and 29 were rejected under 35 U.S.C. § 102(e) as anticipated by Sahota. In rejecting claim 1, it was asserted that paragraphs [0060] and [0061] of Sahota disclosed the limitations recited on the last 6 lines of claim 1. In paragraph [0060], the system disclosed by Sahota is described as having a "set-top box 106 [which] receives ... integrated content ... for display on TV 104." In the example illustrated in FIG. 5A, "set-top 106 sends interactive content of a URL location "http://www.xyz.com" for a clothing retailer with TV commercial 520, which is a commercial for the clothing retailer, for display on TV 104." According to paragraph [0061], in the system disclosed by Sahota "a user of TV 104 can launch interactive services by accessing interactive content 510. For example, a user accessing interactive content 510 will begin interacting with a website as shown in FIG. 5B related to the clothing retailer."

It is submitted that paragraphs [0060] and [0061] of Sahota merely describe linking to a website from a TV commercial. There is no suggestion in these paragraphs and nothing has been found anywhere else in Sahota that suggests including in either the website address or

elsewhere in the TV commercial, "commercial message broadcast designation information ... designating at least the commercial message broadcast" (claim 1, lines 9-11). What is displayed in the system disclosed by Sahota is only a web site address of a retailer. No suggestion has been found in Sahota that the web site address designates the commercial message in any way.

By including commercial message broadcast designation information in "commercial message information" (claim 1, line 10), such as a TV commercial, the present invention is able to provide information about what advertising resulted in "a client [who] sees the commercial message broadcast, ... [displays] the commercial message information relating [there]to ... and purchases merchandise or a service in the commercial message information relating to the commercial message broadcast" (claim 1, last 4 lines). As a result, the commercial message broadcast designation information can be used to identify the TV commercial regardless of whether purchases are made via the Internet or at a "bricks-and-mortar" store (see, for example, the paragraph spanning pages 17 and 18 of the application).

For the above reasons, it is submitted that claim 1, as well as claims 2, 3 and 6-9 which depend therefrom, patentably distinguish over Sahota. In addition, claim 8 recites "distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service" (claim 8, lines 1-3). It is clear from the application, e.g., the paragraph spanning pages 17 and 18, that the word "shop" refers to a physical location, not an Internet website. Therefore, it is submitted that claim 8 further patentably distinguishes over Sahota.

Claim 28 recites "commercial message broadcast designation information contained in the commercial message information and designating at least a commercial message broadcast" (claim 28, lines 10-12) and that

the client purchases merchandise or a service in the commercial message information relating to the commercial message broadcast after the client sees the commercial message broadcast and performs an instruction for displaying the commercial message information relating to the commercial message broadcast

(claim 28, lines 12-16). Therefore, it is submitted that claim 28 also patentably distinguishes over Sahota.

Claim 29 recites

receiving information about a client or information about merchandise or a service included in commercial message information and purchased by a client, as commerce information when the client sees a commercial message broadcast, performs an instruction for displaying the commercial message information relating to the commercial message broadcast and purchases the merchandise or the service while the commercial message broadcast and the commercial

(claim 29, lines 5-10). As discussed above, Sahota discloses the display of a link to a website, not "information about a client or information about merchandise or a service" (claim 28, lines 5-6). Therefore, it is submitted that claim 29 also patentably distinguishes over Sahota.

Rejections under 35 U.S.C. § 103(a)

On pages 8-9 of the July 21, 2006 Office Action, claims 4-5 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Sahota and Mayer. Nothing was cited or has been found in Mayer suggesting modification of Sahota to overcome the deficiencies discussed above. Therefore, it is submitted that claims 4-5 which depend from claim 1 patentably distinguish over Sahota and Mayer for the reasons discussed above with respect to the distinctions of claim 1 over Sahota taken alone.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-9, 28 and 29 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/21/06

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
herby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 11/21/2006
STAAS & HALSEY Richard A. Gollhofer
By: Richard A. Gollhofer
Date: 11/21/06